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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,294	02/21/2002	Kimmo Alanen	460-010837-US(PAR)	9809

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,294

Applicant(s)

ALANEN ET AL.

CS

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041021.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The IDS filed 10/21/04 is acknowledged. However, the German document has not been considered since no statement of relevancy is provided for this non-English document.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The added limitation "using the one or more reference points to predict a signal phase of a positioning system" is not disclosed in the specification as originally filed. This feature is required to be canceled since it consists of new matter.

4. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The method and means for using the reference point(s) to predict a signal phase of a positioning system is non-enabling since the specification fails to show how this is accomplished or what this (predicting a signal phase of a positioning system) means.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not understood what is meant by the language "a signal phase of a positioning system". Although claim 22 defines the "signal phase" comprises a code phase, a bit phase, a subframe phase, a frame phase or a Doppler shift, it is not understood what this relationship is or how any of the claimed "signal phases" are predicted or for what purpose/use they are predicted. Moreover, the meaning of predicting any one of the items, ie. a bit phase of a positioning system, is not clear and has no meaning.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bloebaum et al (6,433,735).

Bloebaum et al disclose a method and system for positioning of a wireless communication device (mobile 110, shown in greater detail in Figure 3) comprising storing position data of a plurality of reference points (cellular base stations 103-105) in at least one database (database 210a, shown in greater detail in Figures 3 and 4), identifying which of the reference points (cellular base stations) are in the vicinity of the mobile communication device via reception of cell ID information (cell global identity) that is transmitted by respective cellular base stations (steps 502-503 or 602 of Figs. 5 or 6 respectively), transmitting at least position data (steps 506-507 or 605-606 of Figs 5 or 6 respectively) and determining the location of the mobile device based on the data comprising the geographic position associated with the current cell ID number.

Applicants argue that the claims are not anticipated by Bloebaum et al since they fail to disclose or suggest that one or more reference points can be used to determine or predict signal phases of visible satellites of a GPS system wherein the term "visible satellites" means satellites

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which are above the horizon with respect to the wireless communications device. Firstly, the applicants' arguments are not commensurate in scope with the claim language and therefore the arguments are not convincing. Secondly, the added limitation of the claimed subject matter is considered new matter and is required to be canceled from the claims (1, 11, 21 and 22). Thirdly, the added limitation of the claimed subject matter is insufficiently disclosed and not clearly claimed so that the meaning and scope of such cannot be ascertained. Lastly, Bloebaum et al describe the use of aiding data from the cellular network wherein it is stated:

"(a)s will be described in greater detail below, a location server 109 in the radio network may provide aiding data to the positioning-enabled mobile terminal 110. This aiding data may be, for example, data indicating the current cell in which the mobile terminal is positioned. Other types of aiding data, e.g. satellite ephemeris, time estimates, etc. may also be provided. The data may be provided to improve the performance of the mobile terminal 110, such as reducing time-to-first-fix (TTFF), or increasing the sensitivity of the mobile terminal 110 so that signals from the positioning satellite 112 (e.g. a GPS satellite) may be acquired by the mobile terminal in difficult radio propagation environments. Providing a position of the current cell of the mobile terminal 110 is helpful in this regard, even if the position is relatively inaccurate (e.g. the geographical coordinates of the base station)."

Thus, the applicants' arguments are not convincing.

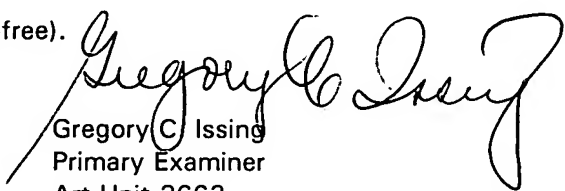
9. The reference to Lau (5,883,594) is cited for its teachings of providing aiding data to a wireless communication device wherein the aiding data provides the wireless communication device with information to decrease time to first fix as well as reduce power consumption wherein the aiding data GPS acquisition and location information including satellite visibility, health and ephemeris and wherein a satellite selection code 50 included in the executable code 40 includes instructions for using the satellite visibility, health, and ephemeris information for generating the initial adjustment signal that selects one or several of the stored PRN codes for the GPS satellites that are to be used as well as a code for determining an initial adjustment to the frequency and phase of the internal replica signal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory C. Issing
Primary Examiner
Art Unit 3662

gci